

REMARKS/ARGUMENTS

The Examiner's attention to the present application is noted with appreciation.

The Examiner rejected claims 1 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Piatkowski, Jr. The rejection is traversed. Claim 1 has been amended to confirm the remarks made herein, and made previously, regarding the rejection.

With respect to claim 1, the Examiner found Applicant's previous remarks on this same rejection unpersuasive. The Examiner had argued that the electrodes of the device of Piatkowski can be incorporated into the bottom wall of the chamber that holds a liquid to be measured. Applicant responded that, notwithstanding that the electrodes of Piatkowski may be incorporated into the bottom wall, they measure the level of liquid from bottom to top and therefore must extend upward to the top of the chamber for the device of Piatkowski to function. The present invention, on the other hand, incorporates electrodes in the bottom of the chamber and neither requires nor suggests that the electrodes extend upward toward the top of the chamber. Piatkowski cannot, as can the present invention, dispose the electrodes only at the bottom of the chamber without having them extend to the top.

The Examiner states that claim 1 of the present application (as presented prior to the present amendment) does not limit the electrodes to the bottom wall of the chamber. Applicant disagrees, but in order to expedite allowance, Applicant has amended claim 1 to confirm that the electrode probes (18 and 20) are embedded in the bottom wall (3) and do not extend upwards toward the top wall. Applicant submits that this amendment does not raise a new limitation, but rather confirms what was already claimed, disclosed, and previously argued. Applicant submits that such an amendment is not necessary, but for the sake of expediency is making it nonetheless.

Therefore, as stated earlier, the probes do not measure liquid levels – they measure liquid volume directly. They do this by measuring the electrical impedance of the liquid mass itself. Because the electrodes of the present invention do not measure liquid levels, they do not have to extend upwards in order to be exposed to the varying liquid levels. The electrodes remain incorporated in the bottom wall so that they can measure the electrical impedance of any liquid present in the container.

Accordingly, claim 1 is believed to be allowable. Claims 9-11 are dependent on claim 1 and so, too, are believed to be allowable.

Also under 35 U.S.C. 103(a), the Examiner rejected claims 2 and 3 as being unpatentable over Piatkowski in view of Wallrafen, claim 4 as being unpatentable over Piatkowski and Wallrafen in further view of Zanzucchi et al., and claim 5 as being unpatentable over Piatkowski in view of Viegut et al. Claims 2, 3, 4, and 5 are dependent on claim 1 and so, too, are believed to be allowable.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required to Deposit Acct. 13-4213.

Respectfully submitted,

By:



Vidal A. Oaxaca, Reg. No.44,267
Direct line: (505) 998-1505

PEACOCK, MYERS & ADAMS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Date: Jan. 27, 2004

Customer No. 005179

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